

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FIREMAN'S FUND INSURANCE COMPANY,

Plaintiff,

v.

ONEBEACON INSURANCE COMPANY,

Defendant.

Case No. 14-cv-4718 (PGG)  
ECF Case

**DECLARATION OF KAREN C. BASWELL IN OPPOSITION TO  
DEFENDANT'S CROSS MOTION FOR SUMMARY JUDGMENT AND  
IN FURTHER SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

I, Karen C. Baswell, declare as follows:

1. I am an attorney at the law firm of Chaffetz Lindsey, 505 Fifth Avenue, 4<sup>th</sup> Floor, New York, New York ("Chaffetz Lindsey"). I am admitted to practice in the State of New York and in the United States District Court for the Southern District of New York.

2. I submit this Declaration in Opposition to Defendant OneBeacon's Cross Motion for Summary Judgment and in further support of Plaintiff's Motion for Summary Judgment. I am familiar with the facts stated herein.

3. Attached as Exhibit 53<sup>1</sup> is a true and correct copy of the additional cited excerpts from the Deposition of Gary Ibello, dated April 1, 2015 ("Ibello Dep.").

4. Attached as Exhibit 54 is a true and correct copy of the additional cited excerpts from the Deposition of Madelyn Faggella, dated April 10, 2015 ("Faggella Dep.").

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<sup>1</sup> FFIC has numbered its additional Exhibits sequentially to those previously identified by FFIC and OneBeacon, beginning at Exhibit 53.

5. Attached as Exhibit 55 is a true and correct copy of the cited excerpts from Robert W. Strain, *Reinsurance* (Rev. ed. 1997).

6. Attached as Exhibit 56 is a true and correct copy of Benedict M. Lenhart et al., 1-7 *Appleman on Insurance* § 7.02 (2015).

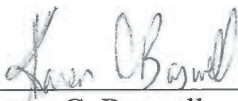
7. Attached as Exhibit 57 is a true and correct copy of 2 Barry R. Ostrager and Thomas R. Newman, *Handbook on Insurance Coverage Disputes* § 13.04 (17th ed. 2015)

8. Attached as Exhibit 58 is a true and correct copy of John F. O'Connor, *Insurance Coverage Settlements and the Rights of Excess Insurers*, 62 Md. L. Rev. 30 (2003).

9. Attached as Exhibit 59 is a true and correct copy of Michael F. Aylward, *What Does It Mean to "Exhaust" Underlying Insurance?*, FOR THE DEFENSE (May 2012).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
June 19, 2015

  
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Karen C. Baswell